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In re Application of
Toshikazu Kawai et al. :
Serial No.: 09/381,372 : PETITION DECISION
Filed: September 20, 1999 :
Attorney Docket No.: 038788.48236 :

This is in response to the petition under 37 CFR 1.181, filed April 6, 2004, for withdrawal of abandonment of the above identified application based on failure to receive an Office action. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Final Office action to applicants on December 13, 2002, setting a three month shortened statutory period for reply. The Final Office action was mailed to: EVENSON MCKEOWN EDWARDS & LENAHAN, 1200 G STREET NW, SUITE 700, WASHINGTON DC 20005-3814. The address is the same address that the previous Office action to which the previous Office action was mailed. It is noted that the response to the previous Office action, filed September 26, 2002, included on the last page the return address shown above. A Notice of Abandonment was mailed to the same address on July 24, 2003. Both of these communications were returned by the Postal Service as undeliverable as addressed. No formal request to change the correspondence address was filed with the response or at any other time. Applicants state that a change of correspondence address was submitted by facsimile and indicates a copy of the facsimile is enclosed with the petition. The original facsimile, filed July 10, 2003, has been located in the file, but was never entered into the Office database. In view of the Office error for non-entry, the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for remailing of the Final Office action.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.


Bruce Kisliuk
Director, Technology Center 1600